

April 26, 2010

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Curtis, and Higgins attending. Board members Fuelling and Hoehn were not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Supt. Givens; Jeff Pruitt – Economic Development Commission of Southwest Indiana; Larry Williams; Judy Whitten; Derrick Ousley – First Baptist Church; Pam Robinson – Posey County Democrat; and arriving during the meeting, Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Higgins moved the reading of the minutes be waived and they be approved as presented.

Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairwoman.

Chairwoman Askren stated she has no report.

Supt. Gray stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated they need authorization on a stipulation to accept a \$500,000 payment from Aventine.

Comm. Maynard arrived at the meeting.

Attorney Higgins continued by stating as agreed before construction began on the Aventine facility, they were to pay the city \$500,000 to the water works for improvements that had to be made to the plant to accommodate Aventine's water supply needs. She added, at a later time, Aventine then filed for bankruptcy and construction was halted. The city was not aware of the bankruptcy filing until February 2010 and at that time, the city then filed a claim against the bankruptcy. She stated Aventine is now starting construction up again and they are supposed to go on line. She added once the city has received the \$500,000 payment, the city will withdraw their claim.

Board member Curtis moved the Utility Board authorize Mayor Tucker to sign on the Board's behalf, with the stipulation that the city will withdraw their claim once the payment has been received, and after legal review. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – yes; Fuelling – absent; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated in the Audience is First Baptist Church with a request for a water adjustment.

Derrick Ousley approached and stated he would like to request a water adjustment on behalf of the church.

He explained in February their bill spiked and up on investigation it was discovered a leaking toilet fixture.

He stated they have replaced the parts and their bills are back down to normal. He added they are requesting an adjustment of \$77.73 as the sewage, pretreatment, and trash have already been refunded as of late last week, whether they should have already been he is unsure.

Board member Askren asked if Supt. Gary has any problems with the adjustment ?

Supt. Gray replied he has no problem.

Board member Askren moved the adjustment from the water department in the amount of \$77.73 be approved. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – yes; Fuelling – absent; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if there was any Old Business?

There was one.

Mayor Tucker asked if there was any New Business ?

There was none.

Mr. Ousley left the meeting.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Curtis, and Higgins attending. Councilman Fuelling and Councilwoman Hoehn were not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloat; Chief Waters; Supt. Givens; Jeff Pruitt – Economic Development Commission of Southwest Indiana; Larry Williams; Judy Whitten; Pam Robinson – Posey County Democrat; and Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling was not present.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Hoehn was not present.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Curtis stated he has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Supt. Givens stated they have had one clarifier down and hopefully it will be back in service by the end of the week. He added everything else is going fine and the heavy rain over the weekend did refill the clarifier which will now take a day and a half to drain, but they had no violation to their permit.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they had the Financial Report at their last meeting.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the first reading on the Ordinance Concerning the Transportation and Hauling of Over-Weight Vehicles and Loads over Public Rights-of-Way in the City of Mt. Vernon, Indiana,

as was discussed at their previous meeting. She added she has heard no comments from anyone on this ordinance.

Councilman Curtis moved the ordinance pass on first reading. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

Councilwoman Higgins stated at the last meeting Councilwoman Hoehn asked if the County Council had taken action on this ordinance yet. She wondered if that has happened to date ?

Attorney Higgins replied per Adam Farrar, County Council counsel, the County has passed it, but she has not seen a final, signed copy.

Mayor Tucker asked if there were any other questions ?

There were none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the ordinance passed first reading unanimously.

Attorney Higgins stated the next item is the 2nd reading on the Ordinance to Repeal Title V – Public Works, Chapter 50.195 – Rates and Charges, Sub-Paragraph (D) of the City of Mt. Vernon Code of Ordinances. She reminded Council this was to deal with having separate meters to monitor the flow of certain industries into the sewer system. She added she has heard no comments on this though she thought Councilwoman Hoehn had some concerns at the last meeting. She stated she tried to contact her but has not hear back.

Supt. Givens stated he too has heard nothing from Councilwoman Hoehn.

Councilwoman Higgins moved the ordinance pass second reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins continued by stating they have two more items for consideration that walked through the door around 4:00 today. She stated they are both resolutions authorizing submittal of grant applications. She added the first one is a Resolution of the City Council of the City of Mount Vernon, Indiana, Authorizing the Submittal of the Disaster Application to the Indiana Office of Community and Rural Affairs and Addressing Related Matters. She stated this resolution is in reference to submitting a grant to address sewer improvements, as discussed in the public hearing held before this evening's Utility Board meeting.

Councilwoman Askren moved the Resolution be accepted and that Mayor Tucker be permitted to submit the application of grant and to sign all associated paperwork. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the Resolution passed unanimously.

Clerk-Treasurer Sitzman added it will be numbered 10-05.

Attorney Higgins stated the next Resolution is very similar, though it pertains to a storm water project concerning flooding around the West Elementary School area, including Venice Avenue, a trailer park and the school playground. She added the grant application is for \$518,644.00 and is a cooperative agreement

with the MSD of Mt. Vernon. She stated the school district will grant the city an easement for the “rain garden” work and the school has paid \$13,000 already for the preliminary design work. Again she stated, they are seeking a grant for \$518,644, to be administered through IOCRA and there will be a public hearing held on this issue April 29 at 9:00 a.m. She added following the public hearing Mayor Tucker can submit the grant and sign any paperwork.

Councilman Curtis moved the Resolution of the City of Mt. Vernon Authorizing the Submittal of the Disaster Application to the Indiana Office of Community and Rural Affairs and Addressing Related Matters be approved and Mayor Tucker may submit the grant and sign any paperwork following the public hearing. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

Attorney Higgins stated if anyone would like to see photos of the flooded areas, they are available upon request.

Mayor Tucker then requested a roll call vote.

Roll was called by the Clerk-Treasurer with council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 10-06.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilwoman Higgins stated at the last meeting she brought up looking into putting a 4-way STOP sign at the intersection of Sherman and Locust. She stated she spoke with Councilman Fuelling and Councilwoman Hoehn and they both agree – now what ?

Councilman Curtis stated it is a very rough street, it could use smoothed out, but he has no problem with a 4-way STOP there.

Attorney Higgins stated she will draft the ordinance for first reading at the next meeting.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling was not present.

3rd District Councilwoman Hoehn was not present.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated April 16-17, 2010 the LST 325 was docked at the riverfront, and the city was very fortunate to have it. He added the city received high praise from the captain and he would like to thank everyone who helped to make this a very successful event. He added this was a joint effort event between the City of Mt. Vernon, the River Days Committee, and the Riverbend Coalition. He then stated he would especially like to thank Mt. Vernon Barge Service for use of their barges; Countrymark and Synergy for the donation of fuel and fuel trucks; the following restaurants who fed a crew of 65: Hawg N Sauce; Roca Bar;

Subway; McKims IGA and Larry Williams; Dairy Queen; and American Legion; as well as Expressway AutoWorld and the Mt. Vernon High School.

Councilwoman Higgins added the crew of the LST stated that Mt. Vernon was the friendliest port of call they have been to in a long time. She stated it was a great weekend and a great event – the start of things to come. She concluded by stating there were between 1400 and 1500 paying visitors to the LST.

Mayor Tucker stated May 1 is a clean up day at the riverfront and May 2 is Tractors on the Square. With the being said, he stated if there was no further business, he entertains a motion to adjourn.

Councilwoman Higgins moved the meeting be adjourned. Seconded by Councilwoman Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer